

Manager and Supervisor Responsibilities for Dealing with Sexual Harassment

" Managers and Supervisors are responsible for taking immediate and appropriate action when they know, or should have known of sexual harassment in the work place, or when an employee brings the harassment to their attention. Management has a responsibility to act once it has knowledge, regardless of whether a complaint has been filed or received.

General Guidelines for Supervisors Responding to a Sexual Harassment Issue

- ! Focus on what has happened: keep facts separate from both your emotions and the emotions of the person allegedly receiving the harassment.
- ! Proceed actively and responsibly with the complaint procedures, regardless of the risk of losing popularity with fellow employees.
- ! Be objective. Put your own personal biases aside.
- ! Keep careful, objective records and notes of meetings and conversations.
- ! Draw conclusions from facts, not hearsay and assumptions.
- ! Be a careful listener. Go beyond recording words and events. Recognize that the topic is complex and often involves emotions, values, and attitudes.
- ! Recognize that solutions may not be quick or simple; solutions may require a significant amount of effort and time.
- ! If necessary, contact the Employee Relations Branch of the Personnel Division for guidance on appropriate disciplinary action against the harasser.

Behaviors to Avoid When Dealing with a Sexual Harassment Situation

Managers and supervisors may sometimes make mistakes when handling sexual harassment complaints. The following behaviors may cause the situation to escalate.

Take care NOT to:

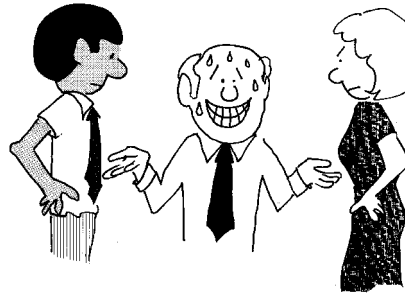
- ! Overreact to the complaint.
- ! Under react to the complaint.
- ! Not take an allegation of sexual harassment seriously because you know the alleged harasser and think that he/she would never engage in that behavior.
- ! Avoid action because it may make you appear unpopular with other employees.
- ! Let your biases influence you.

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Guidelines for Managers and Supervisors: Interviewing in a Sexual Harassment Situation

If an employee comes to you with a sexual harassment complaint, it may be helpful to handle the situation like an interview. Below is a list of interviewing techniques and considerations:

- ! Be patient and listen carefully.
- ! Don't use labels (such as obscene, rude, etc.).
- ! Ask for facts and observations, not conclusions or assumptions.
- ! Take accurate notes.
- ! Ask about documentation.
- ! Ask about witnesses.
- ! Follow through with your responsibilities as a supervisor and communicate any developments in the complaints process to employee(s) involved.
- ! Monitor your behavior as you respond so your reactions remain neutral.
- ! Use open-ended questions, beginning with words such as who, what, where, when, how.
- ! Restate what the employee said and ask if you are correct.
- ! Ask clarifying questions.
- ! Ask difficult questions directly, but sensitively.
- ! If the victim is uncomfortable using the actual words used by the harasser, allow the victim to write the words on paper.



Necessary Questions to Ask During the Interview

There are specific facts you need to know about the alleged incident of sexual harassment. During the interview, ask:

- ! Who was the harasser?
- ! What specifically did he/she do?
- ! When did it occur?
- ! Where did it occur?
- ! How did the situation come about?
- ! Were there any witnesses?
- ! Is this the first incident? What others have there been?
- ! Have you indicated that the behavior is unwelcome?
- ! Do you have any evidence?

Points to Remember when Interviewing the Alleged Harasser

Many of the same interviewing techniques listed previously should be applied with the alleged harasser. Below are some additional points to keep in mind for such an interview:

- ! Prepare for the meeting and carefully plan your questions.
- ! Explain the purpose of the meeting.
- ! Give the alleged harasser a copy of the Sexual Harassment Policy Statement.
- ! Identify the circumstances and specific behavior that allegedly occurred.
- ! Ask for clarification of vague answers.
- ! Remain calm and non-accusatory throughout the interview.

There are specific statements you should make and questions you should ask, based on the alleged harasser's response.

- ! If the alleged harasser admits the behavior, state that the behavior must be stopped and that no acts of retaliation will be tolerated.
- ! If the alleged harasser denies the behavior, restate that they deny doing the behavior and ask them, "Is this correct?". Also, ask if he or she recalls any behavior or comments that could have led to the harassment allegation.

IMPORTANT REMINDER

When dealing with cases of alleged discrimination, remember that incidents of sexual harassment are ***allegations*** until proven otherwise. Assumptions of guilt or innocence can be wrong. Therefore, facts must be gathered before decisions of wrongdoing are determined.

When investigating allegations of sexual harassment, the whole record is considered: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on allegations is made from the facts on a case-by-case basis.